



राजपत्र, हिमाचल प्रदेश (जसाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, शुक्रवार, 18 अगस्त, 2006/27 अगस्त, 1928

हिमाचल प्रदेश सरकार

AGRICULTURE DEPARTMENT

NOTIFICATION

Shimla-2, the 27th July, 2006

No. Agr.B(2)-1/95-II(Loose).—The, Governor, Himachal Pradesh is pleased to order the placement of Sh. M. R. Chaudhary, Class-I (Gazetted) on the placement post of Deputy Director of Agriculture, and its equivalent post in the common cadre of Class-I (Gazetted) Non-Ministerial services with immediate effect.

The Governor, Himachal Pradesh is further pleased to order the posting of Sh. M. R. Chaudhary on placement as Deputy Director of Agriculture, Palampur, District Kangra, H. P. with immediate effect in the public interest. He is directed to join his duties at new place of assignment within 10 days positively and send the joining report to this Department failing which the said placement orders on higher post will automatically be stand cancelled.

By order,

Sd/-
Secretary.

CO-OPERATION DEPARTMENT**NOTIFICATION***Shimla-2, the 26th July, 2006*

No. Co-op.A(3) 1/99-I.—In exercise of powers conferred under Section 100 of the H. P. Co-operative Societies Act, 1968 (Act No. 3 of 1969), the Governor of Himachal Pradesh is pleased to exempt such Co-operative Societies from the provision of rule 38(4) of the H. P. Co-operative Societies Rules, 1971 amended *vide* notification of even number dated 25-7-2006, in which President/Vice President have been elected from amongst nominated members of the Managing Committee till the completion of present tenure of such Managing Committees.

By order,

Sd/-
Principal Secretary.

FINANCE (IF) DEPARTMENT**NOTIFICATION***Shimla-2, the 26th July, 2006*

No. Fin. IF(C)-A(3) 4/2004.—In continuation of this Department notification of even No. dated 3-6 2006 it is hereby notified that the 3rd State Finance Commission will submit its final report by 25-11-2006 instead of 31-7-2006 as notified *vide* notification of even No. dated 26-5-2005.

By order,

SUTANU BEHURIA,
Pr. Secretary (Finance).

[Authoritative English text of this Government Notification No. Home-B (G) 4/95-Vol. I, dated 17th July, 2006 as required under Clause (3) of article 348 of the Constitution of India].

HOME DEPARTMENT**NOTIFICATION***Shimla-2, the 17th July, 2006*

No. Home-B (G) 4/95-Vol.-I.—WHEREAS, the State Government has enacted 'The Himachal Pradesh, Judicial Officers (Pay and Conditions of Service) Act, 2003' (Act No. 10 of the 2003) to provide for regulation of the pay and conditions of service of members of different cadres of Himachal Pradesh Judicial Service and matters connected therewith and incidental thereto.

AND, WHEREAS, the State Government in exercise of the powers conferred by Articles 233, 234 and proviso to Article 309 of the Constitution of India read with sub-section (i) of section 4 of the Himachal Pradesh Judicial Officers (Pay and Conditions of Service) Act, 2003 (Act No. 10 of 2003), in consultation with the High Court of Himachal Pradesh and the State Public Service Commission notified the Himachal Pradesh Judicial Service Rules, 2004 for regulating the recruitment and conditions of service of members of different cadres of Himachal Pradesh Judicial Service.

AND WHEREAS, in the year 1989 the All India Judges Association & its working president filed Writ Petition (Civil) No. 1022/1989 before the Hon'ble Supreme Court of India under Article 32 of the Constitution of India seeking reliefs so as to improve the conditions of service of the Subordinate Judicial Officers all over the country. The Writ Petition was disposed off by the Judgment dated 13-11-1991, and issued certain directions.

AND WHEREAS, the Union of India and some State Governments preferred review petitions raising several objections including constitutional questions. The said review petitions were disposed off *vide* judgment dated 24-8-1993, modifying some of the reliefs given in the original judgment.

AND WHEREAS, the Government of India by a resolution dated 21-3-1996 constituted the First National Judicial Pay Commission for the Subordinate Judiciary all over the country under the Chairmanship of the Justice Shetty. The Commission submitted its report on 11-11-1999 and the Hon'ble Supreme Court after considering various recommendations made by the Shetty Commission delivered its judgment dated 21-3-2002, in C.W.P. No. 1022/1989, accepting the recommendations subject to certain modifications made therein.

AND WHEREAS, the Hon'ble Supreme Court *vide* its order dated 25-11-2002 directed the State Governments/UTs to implement the higher pay scales on or before 1-4-2003 and subsequently *vide* order dated 8-4-2003 directions were issued for adoption of Karnataka Model of pension. In the State of Himachal Pradesh, for members of different cadres of Himachal Pradesh Judicial Service the recommendations have been implemented to the following effect:—

- (a) Grant of revised pay scales and benefit of Assured Career Progression Scheme *vide* notification dated 22-9-2003.
- (b) The State Government has notified the Himachal Pradesh Judicial Services Rules, 2004 regulating the conditions of service of the members of different cadres of Himachal Pradesh Judicial Service. Thus, taking care of the issue relating to nomenclature, mode of recruitment to High Judicial Services, lowering the age of candidates for entry into State Judicial Services as Civil Judge (Jr. Division) etc.
- (c) The State Judicial Academy stands established with governing body headed by the Chief Justice of the State High Court.
- (d) The Karnataka model of pension has been adopted by the State Government for grant of pension to retired Judicial Officers.

AND WHEREAS, the Hon'ble Supreme Court *vide* order dated 6-12-2005 while dismissing contempt petition (C) No. 151/2003 in CWP No. 1022/1989 had issued directions for release of benefits and allowances to the members of the Subordinate Judiciary as per the Shetty Pay Commission Report subject to the modifications by the Hon'ble Supreme Court.

AND WHEREAS, the matter regarding grant of benefits and allowances to the members of Subordinate Judiciary as directed by the Hon'ble Supreme Court in its orders dated 6-12-2005 and 7-2-2006 was given due consideration by the Government.

AND WHEREAS, Government have approved the grant of the following allowances etc. to members of different cadres of Himachal Pradesh Judicial Service with immediate effect:—

1. Reimbursement of Electricity and Water charges to District Judges & Addl. District Judges @ Rs. 300/- per month, Civil Judge (Sr. Division) @Rs. 250/- per month Civil Judge (Jr. Division) @ Rs. 200/- per month or 50% of actual, whichever is less.
2. Sumptuary allowance of Rs. 1000/- per month to District Judge and Addl. District Judge, Rs. 750/- per month to Civil Judge (Sr. Division) and Rs. 500/- Civil Judge

(Jr. Division). No expenditure shall be made on account of entertainment from 'Office Expenses' or other similar object heads like 'Hospitality'.

3. Concurrent charge allowance @ 10% of the minimum of the time scale of additional post held continuously beyond period of 10 working days, provided substantial work of the additional post is discharged during this period in the opinion of the Hon'ble High Court.
4. Two daily newspapers and one weekly/monthly magazine (cost of magazing not exceeding Rs. 60/- per month).
5. Robe allowance @Rs. 5000/-one in five years. Members of different cadres of Himachal Pradesh Judicial Service on deputation to posts not involving judicial work will not be entitled to Robe allowance for the period.
6. Telephonic facility at the following: —

- (i) *District Judges*.—STD facility at office and residence with 3000 free calls for 2 months at office and 2000 calls at residence for 2 months.
- (ii) *Addl. District Judges and Civil Judge (Sr. Division)*.—STD facility at office and residence with 2000 free calls for 2 months at office and 1000 calls at residence for 2 months.
- (iii) *Civil Judge (Jr. Division)*.—15000 free calls at office and 750 at residence for 2 months.

The office will bear the expenses of the installation and bi-monthly payment of the telephone bills upto the aforesaid ceiling. The excess calls, if any, will be borne by the concerned Judicial Officers.

Members of different cadres of Himachal Pradesh Judicial Service will continue to avail at par with other State Government Officers, the existing benefits and allowances namely:—

- (i) C. C. A.
- (ii) Secretariat Allowance.
- (iii) H. R. A.
- (iv) L. T. C./Home Town Leave Travel Concession.
- (v) Transfer Grant.

NOW THEREFORE, the Governor Himachal Pradesh in exercise of powers conferred by Rule-7 of the Himachal Pradesh Judicial Service Rules, 2004 is pleased to notify the grant of aforesaid allowances etc. to members of different cadres of Himachal Pradesh Judicial Service with immediate effect.

By order,

Sd/-
Principal Secretary (Home).

INDUSTRIES DEPARTMENT

NOTIFICATION

Shimla-2, the 1st August, 2006

No. Ind II(Chh.) 7-25/90-II.—Whereas an order No. Udyog Bhu (Khani-4) Major-573/90-II dated 24-9-1998 was issued for the grant of mining lease in favour of M/s Larsen and Toubro Pvt. Ltd., District Chandrapur, Maharashtra over an area measuring 292.010 Hect. situated in Mauza Shind, Bhoga and Chanjla Tehsil Churah, District Chamba, H. P. for a period of 30 years w. e. f. 24-9-1998 for the extraction of lime stone and setting up of a Cement Plant based on Broh and Shind limestone deposits;

And whereas a Memorandum of Understanding was also signed on 28-7-1995 between the Government of Himachal Pradesh and the above said company for setting up of a cement manufacturing unit. The MoU was extended from time to time and last extension was upto 31-3-2006. The status of progress of implementation was reviewed by the Government and the same was not found satisfactory. A show cause notice was served upon the company for the termination of MoU. The reply so received from the company was also not found satisfactory. The MoU was terminated on 24-7-2006 and the mining lease was cancelled by the Director of Industries.

Now, therefore, in exercise of the powers conferred by rule 59 of the Mineral Concession Rules, 1960 and all other powers enabling in this behalf, the Governor, Himachal Pradesh hereby notify the availability of the area measuring 292.010 Hect. in Tehsil Churah, District Chamba *w. e. f.* 30 days after the publication of this notification in Rajpatra, Himachal Pradesh for the grant of mining lease for setting up of a Cement Plant based on Broh and Shind limestone deposits.

By order,

Sd/-

Principal Secretary.

NON CONVENTIONAL ENERGY SOURCES (N. E. S.) DEPARTMENT

NOTIFICATION

Shimla-2, the 26th July, 2006

No. NES-(B) 7-1/99.—Consequent upon the Conversion of integrated Rural Energy planning Programme of Science, Technology & Environment Department into Himachal Pradesh Energy Development Agency (HIMURJA) vide Himachal Pradesh Government Notification No. S.T.V. (S&T)F (10)-1/87 dated 30-1-1989, the Governor, Himachal Pradesh is pleased to order that the payment of pension and other retirement benefits of the employees transferred en masse to the Himachal Pradesh Energy Development Agency (HIMURJA) shall be regulated on the following terms and conditions:—

1. The Government Employees transferred from Integrated Rural Energy Planning Programme, Science, Technology and Environment Department to the Himachal Pradesh Energy Development Agency (HIMURJA) shall remain on terms of foreign service without any deputation allowance till such time as they get absorbed in the Himachal Pradesh Energy Development Agency (HIMURJA). They shall be absorbed in the Himachal Pradesh Energy Development Agency (HIMURJA) with effect from such date as may be notified by the Government.
2. The permanent absorption of the Government servants as employees of the Himachal Pradesh Energy Development Agency (HIMURJA) shall take effect from the date on which, their option are accepted by the Government and on and from the date of such acceptance, such employees shall cease to be the Government servants and they shall be deemed to have retired from the Government service.
3. The employees including quasi-permanent and temporary employees but excluding casual labourers, who have opted for permanent absorption in the Himachal Pradesh Energy Development Agency (HIMURJA) shall on and from the date of absorption, be governed by the rules and regulations or bye-laws of the Himachal Pradesh Energy Development Agency (HIMURJA).

4. A Permanent Government servant who have been absorbed as an employee of the Himachal Pradesh Energy Development Agency (HIMURJA) shall be eligible for pensionary benefits on the basis of combined service rendered by him in the Government and in the Himachal Pradesh Energy Development Agency (HIMURJA) in accordance with the formula for calculation of pension/family pension under these rules as may be in force at the time of his retirement from the Himachal Pradesh Energy Development Agency (HIMURJA).
5. The pension of an employee under condition number (4) above shall be calculated on the basis of his last ten months average pay.
6. In addition to pension or family pension, as the case may be, the employees shall also be eligible to Dearness Relief as per Industrial Dearness Allowance Pattern.
7. The benefits of pension and family pension shall be available to quasi permanent and temporary Government servants after they have been confirmed in the Himachal Pradesh Energy Development Agency (HIMURJA).
8. The State Government shall create a pension Fund in the form of a Trust and the pensionary benefits of absorbed employees shall be paid out of such Pension Fund.
9. The Secretary of the Administrative department of the Himachal Pradesh Energy Development Agency (HIMURJA) shall be the Chairperson of the Board of trustees which shall include representatives of the Departments of Finance, Personnel, Labour, Himachal Pradesh Energy Development Agency (HIMURJA) and its employees and experts in the relevant field to be nominated by the State Government.
10. The Procedure and the manner in which pensionary benefits are to be sanctioned and disbursed from the Pension Fund shall be determined by the Government on the recommendation of the Board of Trustees.
11. The Government shall discharge its pensionary liability by paying in lump sum as a one-time payment to the Pension Fund the *pro rata* pension or service Gratuity and Retirement Gratuity for the service rendered till the date of absorption of the Government servant in the Himachal Pradesh Energy Development Agency (HIMURJA).
12. The *pro-rata* retirement gratuity and pension will be calculated respectively on the basis of "emoluments" and "average emoluments" as defined in rules 33 and 34 of the Central Civil Services (Pension) Rules, 1972.
13. The lump sum amount of the *pro rata* pension shall be determined with reference to Commutation Table laid down in the Central Civil Services (Commutation of Pension) Rules, 1981.
14. The Manner of sharing the financial liability on account of payment of pensionary benefits by the Himachal Pradesh Energy Development Agency (HIMURJA) shall be determined by the Government.
15. The Himachal Pradesh Energy Development Agency (HIMURJA) shall make pensionary contribution to the Pension Fund for the period of service to be rendered by the concerned employees under the Himachal Pradesh Energy Development Agency (HIMURJA) at the rates as may be determined by the Board of Trustee so that the Pension fund shall be self-supporting.
16. If, for any financial or operational reason, the Trust is unable to discharge its liabilities fully from the Pension Fund and the Himachal Pradesh Energy Development Agency (HIMURJA) is also not in a position to meet the shortfall, the Government shall be liable to meet such expenditure and such expenditure shall be debited to either the Fund or to the Himachal Pradesh Energy Development Agency (HIMURJA), as the case may be.
17. The payments of Pensionary benefits of the Pensioners of a Government Department on the date of conversion of it into the Himachal Pradesh Energy Development Agency (HIMURJA) shall continue to be the responsibility of the Government and the

mechanism for sharing its liabilities on this account shall be determined by the Government.

18. The balance of Provident Fund standing at the credit of the absorbed employees on the date of their absorption in the Himachal Pradesh Energy Development Agency (HIMURJA) shall, with the consent of aforesaid organization, be transferred to the new Provident Fund Account of the employees in the Himachal Pradesh Energy Development Agency (HIMURJA).
19. The Earned Leave and Half Pay leave at the credit of the employees on the date of absorption shall stand transferred to the Himachal Pradesh Energy Development Agency (HIMURJA).
20. The dismissal or removal from service of the Himachal Pradesh Energy Development Agency (HIMURJA) of any employee after his absorption in the aforesaid organisation for any subsequent misconduct shall not amount to forfeiture of the retirement benefits for the service rendered under the Government and in the event of his dismissal or removal or retrenchment, the decisions of the Himachal Pradesh Energy Development Agency (HIMURJA) shall be subject to review by the Administrative Department of the Himachal Pradesh Energy Development Agency (HIMURJA).
21. In case the State Government disinvests its equity in the Himachal Pradesh Energy Development Agency (HIMURJA) to the extent of 51% or more, it shall specify adequate safeguards for protecting the interests of the absorbed employees of the Himachal Pradesh Energy Development Agency (HIMURJA).
22. The safeguards specified under condition number (21) shall include option for voluntary retirement or continued service in the Himachal Pradesh Energy Development Agency (HIMURJA) or voluntary retirement benefits on terms applicable to Government employees or employees of the Himachal Pradesh Energy Development Agency (HIMURJA) as per option of the employees, assured payment of earned pensionary benefits with relaxation in period of qualifying service, as may be decided by the Government.

By order,

Sd/-
Principal Secretary (NES).

REVENUE (PROJECT CELL) DEPARTMENT

NOTIFICATION

Shimla-2, the 18th July, 2006

No. Rev. (PC)A(4)-2/2005.—In continuation to this department notification of even number dated 8th March, 2006, the Governor, Himachal Pradesh is pleased to nominate Shri Biru Ram Kishor, Hon'ble MLA, Gherwin, District Bilaspur, as non-official member of the State Level Bhakra Dam Project Oustees Rehabilitation and Advisory Committee for the remaining period of the committee.

By order,

Sd/-
F.C.-cum-Secretary.

TRANSPORT DEPARTMENT

NOTIFICATION

Shimla-2, the 29th July, 2006

No. 6-88/92-Tpt.-I.—In continuation of this department Notification of even number dated 1-6-2005, *vide* which tenure of all Non-Official Members/Directors appointed on the Board of Directors of Himachal Road Transport Corporation had been fixed for maximum three years, the Governor, Himachal Pradesh is pleased to extend the term of all existing non-official Members/Directors of Himachal Road Transport Corporation in the public interest.

By order,

Sd/-

Principal Secretary (Transport).